

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK WHITE,

Plaintiff,

v.

MARVIN MOSLEY, *et al.*,

Defendants.

Case No. 24-10506

Honorable Denise Page Hood

Magistrate Judge Elizabeth A. Stafford

**ORDER STRIKING MOTION FOR LEAVE TO AMEND (ECF NO. 28)
AND AMENDED COMPLAINT (ECF NO. 29)**

Plaintiff Mark White brought this action under 42 U.S.C. § alleging defendants violated his rights under the Eighth and Fourteenth Amendments. ECF No. 1. The Honorable Denise Page Hood referred the case to the undersigned for all pretrial matters under 28 U.S.C. § 636(b)(1). ECF No. 10. White filed a motion for leave to amend without counsel even though he is represented by attorney Brandon McNeal. ECF No. 1; ECF No. 28; ECF No. 29. But White cannot engage in “hybrid representation that would result in simultaneous or alternating self-representation and representation by counsel.” *United States v. Degroat*, No. 97-CR-20004-DT-1, 2009 WL 891699, at *1 (E.D. Mich. Mar. 31, 2009) (cleaned up). A plaintiff represented by counsel must rely upon that counsel. *Id.*; *see also*

Ford v. Specialized Loan Servicing, LLC, No. 216CV02414JPMTMP, 2018 WL 2382992, at *1 (W.D. Tenn. May 4, 2018) (barring hybrid representation in civil case); *Perkins v. CoreCivic*, No. 1:23-CV-01178-SHM-TMP, 2024 WL 4143339, at *1–2 (W.D. Tenn. Aug. 5, 2024) (same).

White asserts that “[t]here has been a serious breakdown in the attorney-client relationship,” ECF No. 28, PageID.329, but he has not moved to remove his counsel. And White’s attorney’s appearance on his behalf will continue until the Court orders otherwise. E.D. Mich. LR 83.25(b).

Thus, the Court **STRIKES** White’s motion for leave to amend (ECF No. 28) and his amended complaint (ECF No. 29).

IT IS SO ORDERED.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: March 25, 2025

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling**

remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.” E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court’s ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 25, 2025.

s/Davon Allen
DAVON ALLEN
Case Manager